GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Tribal Welfare Department – Appeal petition filed by Smt. Kota Venkateswaramma, D/o Venkateshwarlu Occ: Higher Grade Assistant, LIC of India, against the proceedings Rc.No.550/2010/C4, dt.01.05.2013 of the District Collector, Guntur - under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition dismissed – Orders - Issued.

TRIBAL WELFARE (CV2) DEPARTMENT

G.O.MS.No. 13 Dated: 16-02-2017

Read the following:

1. Proceedings of the Dist. Collector, Guntur, Rc.No.550/2010/C4, dt.01.05.2013.
2. Appeal Petition filed by Smt. Venkateswaramma D/o Venkateshwarlu Occ: Higher Grade Assistant, LIC of India R/o Presently residing at Ramakrishnapuram, 1st Ward, Bapatla Municipality, Guntur District, before M (TW), No.199/M(TW)/2013, dt.13.06.2013.
3. Govt., Memo No. 7164/CV.2/2013, dated 20.06.2013.
4. From the District Collector, Guntur, Lr.No.Rc.550/2010/C4, dt:11.12.2013.
5. Govt. Memo No.7164/CV.2/2013, dt:25.05.2015 & 16.10.2015.
6. Govt. Memo No.7164/CV.2/2013, dt: 12.11.2015 & 09.04.2016.

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ORDER:

In the reference 1st read above the District Collector, Guntur has issued orders canceling ST- Yanadi Caste Certificate obtained from the then Tahsildar, Bapatla in 1989 by Smt. Kota Venkateswaramma, D/o Venkateshwarlu.

2. In the reference 2nd read above, Smt. Kota Venkateswaramma, D/o Venkateshwarlu has filed an Appeal Petition before the Government, against the said Proceedings of the District Collector, Guntur. After examining the Appeal Petition, Government have admitted the Appeal Petition & granted stay on the proceedings of the District Collector, Guntur and called for the parawise remarks and connected records from the District Collector, Guntur in the reference 3rd read above.

3. In the reference 4th read above, the District Collector, Guntur has furnished the parawise remarks and connected records on the Appeal Petition filed by Smt. Kota Venkateswaramma, D/o Venkateshwarlu.

4. The said Appeal Petition has been posted for hearing on 20.06.2015, 31.10.2015, 28.11.2015 and finally on 09.04.2016 and the same has been informed to the Appellant and the Counsel for the Appellant and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the Community claim, failing which, it will be construed that there is no claim what-so-ever in the matter and it will be decided based on the material available with the Government in the references 5th & 6th read above. The Appellant/ Counsel for the Appellant have attended and argued case.

5. After examination of the records/ the copies of evidences/academic record/ grounds filed by the Appellant / the parawise remarks submitted by District Collector, Guntur and proceedings of the District Collector, Guntur, dated 01.05.2013, the following points on the community claim of Smt. Kota Venkateswaramma observed by the Appellate Authority:

I. The appellant in her grounds has stated that the appellant was born to Sri Mekala Anandarao and Smt. Hanumayamma, who belongs to ST-Yanadi community. At the age of 6 year due to the personal reasons, the appellant was given adoption to Sri Venkateswarulu vide notarized deed dated 01.04.1971 by Sri Anandarao. (appellant's father).

[P.T.O]

II. Further, the appellant has stated that the District Collector has not considered the statements given by the Yanadi community people, who belongs to Mahatmajipuram village stated that the appellant has following the customary rights of the Yanadi Community in all respects.

III. The District Level Scrutiny Committee has observed that the Tahsildar, Bapatla has reported that the appellant has claims that her natural parents belong to ST-Yanadi community and given her adoption to Sri Kota Venkateswarulu S/o Akkireddy, who belongs to Reddy community R/o Kottapalem village of Bapatla Mandal through unregistered agreement on 30.05.1969 and an agreement dated 01.04.1971 on Rs.4/- stamp and the same were notarized in 1980.

IV. The District Level Scrutiny Committee has also observed that the Appellant has not known any customs and traditions of ST-Yanadi community as she was given adoption to Reddy family in her child hood and she was brought up by Reddy caste people in the fold of Reddy caste families and the appellant has no relatives with any ST-Yanadi family. Further, the appellant has got married with Sri Pulugu Polireddy, who belongs to Reddy Caste and her children are also treated as Reddy caste people and not followed the customs and traditions of the Yanadi caste.

V. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

VI. In Letter No.35/1/72-R.U.(SCT.V), dated 12.05.1975 the Government of India has issued guidelines for issuance of Scheduled Castes and Scheduled Tribe caste certificates and in Circular Memo. No. 10956/CV1/97-2, S.W (CV) Department, dt.16.2.1998 instructions were also issued by the Government of Andhra Pradesh for issuance of Caste Certificates. As per the said instructions, the adoption rules are as follows:

> "the requirements of adoption are given is sections 6 to 11 of the Hindu Adoptions and Maintenance Act 1956, the actual giving and taking of the child in adoption is a mandatory requirement and thereafter, the adopted child is deemed to be the child of his or her adoptive father or mother for all purposes and the child severs all ties with the family of his or her birth. Ordinarily, no child who has attained the age of 15 years or who is married can be given in adoption unless there is a custom or usage applicable to the parties".

VII. The Appellate Authority has observed that in the instant case, the appellant was given into adoption to Sri Venkateswarulu who belong to Reddy community and evidencing the same a document was also executed on 01.04.1971 and same was notarized in the year 1980 at that time the appellant was (6) years old. Therefore the appellant has given adoption into OC-Reddy community as per the Circular Memo.No.10956/CV1/97-2, S.W.(CV) Department, dt.16.2.1998, the appellant's adoption is a valid one. Further, her surname i.e. 'Kota' and name of her father as Venkateswarulu, which is also showing that appellant belongs to OC-Reddy community and the copies of the caste certificate issued by the MRO, Guntur and the School Certificates are not sufficient to prove the genuiness of the caste of the appellant, which are generated based on the declaration given by the parents at the time of admission. The school certificates cannot be accepted as reflection of true caste of person. Therefore, the appeal is devoid of any merits, the appellant could not place any addition additional material despite having been given several opportunities by the Appellate Authority and the

[Contd…]

Government in principle is very liberal in receiving the documents in any stage of the appeal in order to ensure that the principles of natural justice are strictly followed and the party having Genuine claim should never be deprived of the same under the guise of technicalities or some procedures. But, the appellant has not produced any relevant documents/material in support of her ST-Yanadi community claim. Hence it is apparent that the appeal is devoid of any merits and there is no infirmity found either in the order of the learned DLSC or the District Collector, Guntur. Basically there is no evidence placed by the Appellant that she was borne to parents of Yanadi Community.

6. The Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decided that the Appeal Petition filed by Smt. Kota Venkateswaramma, D/o Venkateshwarlu, does not deserve any interference. Hence, Proceedings of the District Collector, Guntur issued vide Rc.No.550/2010/C4, dt.01.05.2013, are hereby upheld and the Appeal Petition filed by Smt. Kota Venkateswaramma, D/o Venkateshwarlu, is hereby dismissed and the Certificate issued by the then Tahsildar, Bapatla deemed to be cancelled.

7. Consequently, the District Collector, Guntur shall take necessary action in the matter.

8. The records (containing Rc.No.550/2010/C4, dt.01.05.2013, pages 01 to 236) received from District Collector, Guntur through 4th read above, are returned herewith in original to the District Collector, Guntur and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.P. SISODIA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, Guntur .(w.e)
(with original records)

Smt. Kota Venkateswaramma D/o Venkateshwarlu
Occ: Higher Grade Assistant, LIC of India
R/o Presently residing at Ramakrishnapuram,
1st Ward, Bapatla Municipality, Guntur District.

Sri I. Koti Reddy, Advocate, H.No.16-11-781/6,
Vijetha Shyamal Towers,
Moosarambagh, Malakpet, Hyderabad.

The Senior Divisional Manager (LIC),
Jeevan Prakash, Kennedy Road,
Machilipatnam, Krishana District, Pin – 521001.

Copy to:

The Commissioner of Tribal Welfare, AP. Hyderabad.
The Director, TCR& TI, AP, Hyderabad.
The P.S. to M(SWE&TWE)
The P.S. to Principal Secretary(TW)

// FORWARDED:: BY ORDER //

SECTION OFFICER